

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION  
AT DAYTON, OHIO

**IRON WORKERS DISTRICT COUNCIL  
OF SOUTHERN OHIO & VICINITY  
BENEFIT TRUST, et al.,**

Plaintiffs,

v.

**J & H REINFORCING AND  
STRUCTURAL ERECTORS, INC., et al.,**

Defendants.

CASE NO. 3:18-CV-00017

**JUDGE THOMAS M. ROSE**

MAGISTRATE JUDGE SHARON L.  
OVINGTON

**MOTION FOR ORDER TO DISBURSE  
FUNDS HELD BY THIS COURT**

Plaintiffs hereby respectfully request an Order from this Court directing the Clerk's Office to disburse certain monies garnished in this matter, other than personal earnings, pursuant to O.R.C. 2716.13. On February 26, 2018, Plaintiffs initiated a garnishment in the above-captioned matter. Garnishee, U.S. Bank, answered on July 20, 2018. The total garnished and deposited with the Clerk's office was \$24,872.09. After the Plaintiffs initiated the garnishment action in this matter, but prior to the Answer of Garnishee U.S. Bank, Defendants made certain payments to the Plaintiffs totaling \$10,832.48. As a result of such payments made by the Defendants, the Judgment remains unsatisfied in the amount of \$14,039.61.

Plaintiffs hereby move that \$14,039.61 be disbursed by this Court, minus any poundage and costs to this Court, to the Judgment Creditors' counsel:

Faulkner, Hoffman & Phillips, LLC  
c/o Joseph C. Hoffman, Jr., Esq.  
20445 Emerald Parkway Drive, Suite 210  
Cleveland, OH 44135

A proposed order is attached to this Motion.

Respectfully submitted,

/s/ David M. Pixley

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Joseph C. Hoffman, Jr., Esq. (Ohio Reg. No. 0056060)  
Joseph D. Mando, Esq. (Ohio Reg. No. 0082835)  
David M. Pixley, Esq. (Ohio Reg. No. 0083453)  
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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 7, 2018, a copy of the foregoing Motion for Order was filed electronically using the Court's CM/ECF system. Notice of this filing and the supporting documents, will be sent to all parties by operation of the Court's electronic filing system. A copy of this filing has also been sent by first class mail to the following:

J&H Reinforcing and Structural Erectors, Inc.  
1506 Tenth Street, P.O. Box 60  
Portsmouth, OH 45662

Donald A. Hadsell  
1506 Tenth Street, P.O. Box 60  
Portsmouth, OH 45662

*Defendants*

/s/ David M. Pixley

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David M. Pixley, Esq. (0083453)